



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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TRADEMARKS  
Washington, D.C. 20231

Paper No. 9

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Mailed

MAY 29 1999

Director's Office  
Group 2700

In re Application of:  
Michael C. Scroggie, et al.  
Serial Number: 08/873,974  
Filed: June 12, 1997  
For: SYSTEM AND METHOD FOR  
DISTRIBUTING INFORMATION  
THROUGH COOPERATIVE  
COMMUNICATION NETWORK SITES

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DECISION ON PETITION  
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This is in response to the Request for Withdrawal of Holding of Abandonment, filed April 16, 1999, for the above-identified application.

The application was abandoned for failure to respond in a timely manner to the non-final Office action mailed September 2, 1998. A Notice of Abandonment was mailed on April 12, 1999.

Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date-stamped post card receipt, indicating that a Letter Cover; Request for Reconsideration; Appointment of Associate Attorney/Agent; and Deposit Account Order Form were received in the Patent and Trademark Office on December 2, 1998. A copy of the Request for Reconsideration and Appointment of Associate Attorney/Agent have also been submitted.

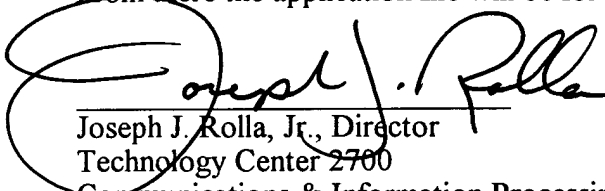
The original response filed was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that a response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application file is being forwarded to the Group technical staff for entry of the amendment. From there the application file will be forwarded to the examiner.



Joseph J. Rolla, Jr., Director  
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